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COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, AUGUST 22, 2001

APPLICATION OF

ALLEGHENY ENERGY SUPPLY COMPANY, LLC      CASE NO.    PUE010375

For a permanent license to conduct  
business as a competitive services  
provider for electric retail access

ORDER FOR NOTICE AND COMMENT

On July 13, 2001, Allegheny Energy Supply Company, LLC ("Allegheny" or "the Company"), filed an application with the State Corporation Commission ("Commission") to convert its pilot license, License No. PE-6, to a permanent license to provide competitive electricity supply service to all classes of retail customers. In a letter filed on August 14, 2001, Allegheny clarified its application, noting that it wished to serve the entire state of Virginia as an electric competitive service provider as individual electric service territories become open to full retail access. The Company attested that it would abide by all applicable regulations of the Commission as required by 20 VAC 5-312-40.

On August 21, 2000, Allegheny completed an application for a license to conduct business as a competitive service provider. This application sought authority to provide electricity to all

classes of retail customers participating in the retail access pilot programs of Appalachian Power Company d/b/a American Electric Power ("AEP-VA") and Virginia Electric and Power Company ("Virginia Power").

After providing notice and opportunity for hearing, and receiving no comments from the public, and after considering its Staff's Report and the Company's response thereto, the Commission issued an Order<sup>1</sup> on September 22, 2000, that, among other things, granted the Company License No. PE-6 to provide competitive electricity supply service to all classes of retail customers in conjunction with the retail access pilot programs of Appalachian Power Company d/b/a American Electric Power and Virginia Electric and Power Company.

On June 19, 2001, the Commission entered its Final Order in Case No. PUE010013, adopting its Rules Governing Retail Access to Competitive Energy Services ("Retail Access Rules"), 20 VAC 5-312-10, et seq.<sup>2</sup> Page 6 of the Retail Access Order provided that each competitive service provider who wished to convert its pilot license to a permanent license to participate in retail

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<sup>1</sup> Application of Allegheny Energy Supply Company, LLC, For a license to conduct business as a competitive services provider in electric retail access pilot programs, Case No. PUE000404, Document Control Center No. 000920209, Order Granting License to Provide Electric Service (Sept. 22, 2000).

<sup>2</sup> Commonwealth of Virginia, At the relation of the State Corporation Commission, Ex Parte: In the matter of establishing rules for retail access, Case No. PUE010013, Document Control Center No. 010630011, Final Order (June 19, 2001) (hereinafter "Retail Access Order").

access must submit a request to do so in writing to the Commission on or before August 31, 2001. We directed that: (i) each such request must include an attestation that the information provided and updated in its application for a pilot license is true and correct, (ii) the applicant must attest that it will abide by all applicable regulations of the Commission, as required by 20 VAC 5-312-40 B, and (iii) the applicant must include any changes to information previously provided to the Commission, as required by 20 VAC 5-312-20 R.

NOW UPON consideration of Allegheny's application to convert its present license to a permanent license to conduct these activities, the Commission is of the opinion and finds that Allegheny's application should be docketed; that this Order should be served upon appropriate persons; and that these persons should have an opportunity to comment on Allegheny's application.

Accordingly, IT IS ORDERED THAT:

(1) As provided in Title 56 of the Code of Virginia and Retail Access Rule 20 VAC 5-312-40 C, this application shall be docketed and assigned Case No. PUE010375.

(2) A copy of the application and supporting documents shall be made available for public inspection in the Commission's Document Control Center, located on the first floor of the Tyler Building, 1300 East Main Street, Richmond,

Virginia, during the Commission's regular hours of operation, between the hours of 8:15 a.m. and 5:00 p.m., Monday through Friday.

(3) On or before August 30, 2001, Allegheny shall serve a copy of this Order upon each utility listed on Attachment A to this Order.

(4) Any interested person may request a copy of the application, accompanying materials, and this Order by directing a request in writing to the Company, c/o Carolyn L. Conrad, Regulatory Analyst, Allegheny Energy Supply Company, LLC, 4350 Northern Pike, Monroeville, Pennsylvania 15146-2841. The Company shall, within three (3) days of receipt of the request, serve the requested documents upon the person making such request.

(5) An original and fifteen (15) copies of any comments on the application shall be filed on or before September 14, 2001, with Joel H. Peck, Clerk, State Corporation Commission, c/o Document Control Center, P. O. Box 2118, Richmond, Virginia 23218-2118. Comments must refer to Case No. PUE010375. A copy of such comments must also be served on or before September 14, 2001, by first-class mail, or hand-delivered, to the Company, c/o Carolyn L. Conrad, Regulatory Analyst, Allegheny Energy Supply Company, LLC, 4350 Northern Pike, Monroeville, Pennsylvania 15146-2841.

(6) On or before September 21, 2001, the Company and the Staff of the Commission may each file with the Clerk of the Commission an original and fifteen (15) copies of any response they may have to any comments that have been filed and the captioned application, and shall serve a copy of such response on the Company and Staff, as appropriate, as well as upon any person submitting comments.

(7) The Company shall respond to written interrogatories or data requests within five (5) calendar days after the receipt of the same. Interrogatories and data requests, as well as the responses thereto, shall be transmitted via facsimile as well as by first-class mail. Except as modified herein, discovery shall be in accordance with Part IV of the Commission's Rules of Practice and Procedure, 5 VAC 5-20-10, et seq.

(8) This matter shall be continued generally.